

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ANTHONY WILSON and KIMBERLY)	
WILSON, the parents of Martez)	
Wilson, and the ESTATE OF MARTEZ))	
WILSON,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO.
)	1:17-CV-00634-ELR
)	
CITY OF DOUGLASVILLE, GA,)	
OFFICER COYLEE DANLEY, et al.,)	
)	
Defendants.)	

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The deposition of COYLEE DANLEY, taken on behalf of the Plaintiffs, pursuant to agreement of counsel, taken for all purposes authorized under the Federal Rules of Civil Procedure; the reading and signing of the deposition being waived; taken before Lynette Leviton, Certified Court Reporter, commencing at 10:30 a.m. on this the 10th day of October, 2017, at 950 East Paces Ferry Road, Suite 1700, Atlanta, Georgia.

1 A Right.

2 Q Have you used that standard in the field in
3 other circumstances?

4 A I have said that before, yes.

5 Q Have you heard other officers in the City of
6 Douglasville say that?

7 A Yes.

8 Q Is that part of your training?

9 A No. It's, it's not part of the training,
10 no.

11 Q Okay. How much have you heard, if you can
12 just give me a broad estimate, you know, either
13 monthly or yearly or whatever, but how common is it
14 for a suspect to report that they are having
15 difficulty breathing?

16 A It's very common. Almost weekly if you're
17 dealing with subjects who have been running.

18 Q Almost weekly you hear someone report that
19 they are having difficulty breathing?

20 A Yeah.

21 Q And have you reliably used the standard that
22 if they can talk to you then they are not having
23 difficulty breathing?

24 A Not difficulty but that they can breath,
25 yes.

1 Q Okay. So under what circumstances based on
2 your experience would an officer or deputy with the
3 city -- with the sheriff's department respond to
4 something occurring within the city limits?

5 A If they're in the area, we need extra patrol
6 units to set a perimeter.

7 Q Do you guys all share a dispatch channel?

8 A No.

9 Q Okay. So if a call goes out to get back-up,
10 if you put in a call to get back-up, do you know how
11 that call is relayed to sheriff's deputies?

12 A I do -- no.

13 Q Okay. But they would not hear your radio
14 traffic?

15 A They would not hear my radio traffic unless
16 they have a scanner.

17 Q Okay. If -- Scratch that. On the scene of
18 Mr. Wilson's arrest, who was the officer in charge?

19 A Me.

20 Q You?

21 A Yes.

22 Q Why not Smith?

23 A I was the first to make contact.

24 Q Is that a rule that you guys follow or
25 practice?

1 A It's just a practice. It's just standard.

2 Q Okay.

3 A On the scene of the actual arrest?

4 Q Right.

5 A Yeah. I would be in charge, yes.

6 Q Yeah. For now when I'm talking about the
7 scene or the incident I'm talking about in the
8 neighborhood as opposed to at the jail.

9 A Okay.

10 Q I'll make it clear when we shift to the
11 jail. Officer Smith was the same rank as you though;
12 right?

13 A Correct.

14 Q Do you know who had been working longer for
15 the police department?

16 A Me.

17 Q Do you know how much longer?

18 A Maybe a year and a half, two years maybe.

19 Q Who has the final -- If EMS is called to the
20 scene, who has the final decision over the transport
21 destination of a prisoner?

22 A EMS.

23 Q Can you ever override EMS's decision?

24 A No.

25 Q Now, let's narrow that a little bit.

1 Q Why?

2 A We get subjects that are passively resistant
3 a lot. A lot of subjects that we deal with choose, or
4 try to choose the hospital over jail.

5 Q So you thought he was faking it because you
6 think a lot of people fake it?

7 A A lot of people do fake it, yeah.

8 Q Okay. So you thought he was faking it
9 because a lot of people fake it?

10 A Yeah.

11 Q What specifically did Mr. Wilson do that
12 caused you -- Not everyone is faking it; right?

13 A Not everyone, no, no.

14 Q So there must have been something beside the
15 fact that other people fake it that caused you to
16 think he was faking it.

17 A He was, he was speaking but he was also --
18 He was limp. A lot of people just go limp and force
19 us to pick them up, carry them, that sort of thing.

20 Q Okay. So he was speaking and he was limp.
21 What was he saying when he was speaking?

22 A He was actually saying that he was having
23 trouble breathing.

24 Q Did he say anything else?

25 A I don't recall anything else.

1 Q Okay. So he was limp and he was telling you
2 that he's having trouble breathing?

3 A Correct.

4 Q What other factors caused you to believe
5 that he was faking?

6 A The fact that he -- we knew that there was a
7 burglary and we caught him.

8 Q Okay. Any other factors that caused you to
9 believe that Mr. Wilson was faking his condition?

10 A No.

11 Q Now, when you found Mr. Wilson, you saw him
12 lying face down in the driveway; correct?

13 A Yes.

14 Q And his pants were around --

15 A His pants and his underwear were down like
16 around his ankles.

17 Q His underwear was all the way down to his
18 ankles?

19 A Well, just below his knees.

20 Q Okay. And he's face down in the driveway?

21 A Yes.

22 Q And he did not react at all to your patrol
23 car; correct?

24 A No.

25 Q And when you approached him, what did you

1 say?

2 A Initially I asked him who, who are you. And
3 then I noticed that I could not see his hands and I
4 told him to put his hands behind his back.

5 Q Now, at the point you were in that
6 neighborhood looking for suspects in this burglary,
7 you didn't really have any description of what they
8 looked like, did you?

9 A All I knew was black males, jeans and
10 hoodies.

11 Q Who told you that?

12 A We -- I'm not sure who said it over the
13 radio. It may have been Officer Dukes. It may have
14 been Sergeant Sanders at the time.

15 Q Okay. So any black male in jeans and a
16 hoodie is a suspect here; right?

17 A At this point, yes.

18 Q So when you saw him lying face down in the
19 driveway, at what point did he become -- At what point
20 did you see enough to confirm that he was a suspect?

21 A He was, he was wearing jeans. I can't
22 recall the color of his hoodie, but I believe he did
23 have on a hoodie. It may have been red.

24 Q All right. And at the point you saw
25 Mr. Wilson, no one else was around; right?

1 Q What conditions would you look for if a
2 suspect is having difficulty breathing? How would
3 that, based on your training, do you know how that
4 would manifest? What would happen to a person?

5 A Usually wheezing, color change in the
6 skin.

7 Q What would a color change in the skin
8 indicate?

9 A Lack of oxygen.

10 Q What about a seizure, is that something that
11 you would watch for?

12 A Yes.

13 Q Foaming at the mouth?

14 A Yes.

15 Q Would that be cause for alarm?

16 A Yes.

17 Q Would that cause, based on your training,
18 would you summon EMS if you saw a seizure?

19 A Yes.

20 Q Even if they had just left?

21 A Yes.

22 Q Same thing for foaming at the mouth?

23 A Yes.

24 Q You transported the second suspect?

25 A Correct.

1 Q Mr. Burroughs?

2 A Yeah.

3 Q Is that, for the court reporter's benefit,
4 b-u-r-r-o-u-g-h-s?

5 A Yes.

6 Q Recall his first name?

7 A I do not.

8 Q Okay. And then Officer Smith transported
9 Mr. Wilson?

10 A Correct.

11 Q And at the point you transported Smith --
12 Well, the two of you transported Smith [sic] and
13 Burroughs, Sergeant Cadwell left the scene?

14 A Yes.

15 Q Had no further involvement?

16 A Correct.

17 Q All right. Would you say that Mr. Wilson
18 became less responsive to you as time went on?

19 A Yes.

20 Q How long after you arrived on the scene
21 until somebody called EMS?

22 A I'm not exactly sure. Maybe five minutes.

23 Q Who called EMS?

24 A Officer Smith.

25 Q Why didn't you call EMS?

1 A Say again.

2 Q Why didn't you call EMS?

3 A I didn't call EMS because I was securing the
4 scene. There was a second subject. We also learned
5 that there was a third subject. I was just looking
6 out for my own safety.

7 Q How long does it take to call EMS?

8 A Not long.

9 Q You just have to radio to dispatch; right?

10 A Correct.

11 Q On your shoulder microphone?

12 A Correct.

13 Q Press a button and say you need medical
14 treatment here; correct?

15 A Correct.

16 Q They already have your location?

17 A Yes.

18 Q Did you delay because you thought he was
19 faking?

20 A No.

21 Q So you thought he was faking, but you didn't
22 delay because of that?

23 A No.

24 Q You never delay because you think someone is
25 faking; right?

1 told to station yourself where you're located?

2 A I wasn't told to station myself in this
3 exact location. I was just given the general area.

4 Q Okay.

5 A I know the area pretty well. I knew they
6 jumped the back fence. I knew that backed up to
7 Catherine.

8 Q Okay. How far is where you are currently
9 located from Freewheeling Honda?

10 A I'm not exactly sure. I know the
11 fence backed -- I'm not sure if that's their fence or
12 not. I don't think it is. But it's on the other side
13 of these houses.

14 Q Okay. Less than a mile?

15 A Yes.

16 Q Less than half a mile?

17 A Yes.

18 (Whereupon, there was a discussion off the
19 record.)

20 BY MR. FILIPOVITS:

21 Q So we were discussing how far from
22 Freewheeling -- Is it Freewheeling Honda?

23 A Yes.

24 Q Okay. How far from Freewheeling Honda you
25 are -- is from your current location and you're

1 saying, what, about a football field?

2 A Probably, yeah, football field.

3 Q Okay. All right. We're going to pick it up
4 at 14:11. All right. Now, that driveway on the right
5 there at 14:21 is that the driveway where Mr. Wilson
6 was laying?

7 A Yes.

8 Q And you saw him from your previous position;
9 right?

10 A Correct.

11 Q And you just saw someone laying on the
12 ground?

13 A Correct.

14 Q Were you able to determine anything about
15 that person at that point?

16 A No.

17 Q What made you think that this was one of the
18 suspects as opposed to a resident who was having an
19 emergency?

20 A I know this -- I've responded to calls in
21 this neighborhood before. Most of the residents here
22 are elderly. At the time when I was initially
23 stationed, I was scanning the scene with the spotlight
24 and I -- when I saw him, I believed he was actually
25 low crawling under my spotlight to keep me from

1 A Yes.

2 Q Okay. So you have said who are you and how
3 did Mr. Wilson respond?

4 A He didn't respond.

5 Q Okay. Let's pick it up at 14:44. Pausing
6 at 15 there. That was your first verbal interaction
7 with Mr. Wilson; correct?

8 A Correct.

9 Q And you told him that he better put his
10 hands behind his back and he responded; right?

11 A Correct.

12 Q Were you able to make out what he said?

13 A No.

14 Q Did he move in response to your arrival?

15 A Initially, no.

16 Q All right. We're going to pick it up. You
17 tell him put your fucking arms behind your back or I'm
18 going to do it for you and it ain't going to be nice.

19 A Correct.

20 Q What does that mean?

21 A That means that I would have to physically
22 take his arms, force them behind his back and handcuff
23 him.

24 Q All right. Going to pick it up at 15
25 minutes. All right. At 15 minutes and 20 seconds did

1 we hear the sound of you handcuffing him?

2 A Yes.

3 Q Did you move his hands to handcuff him?

4 A I did not.

5 Q He moved his hands?

6 A He put his hands behind his back.

7 Q So he complied with you?

8 A Yes.

9 Q He was lying face down; right?

10 A Correct.

11 Q And where were his arms?

12 A Initially they were under his chest.

13 Q Okay.

14 A When I told him the first time to move them,
15 he put them down by his sides. And then when I told
16 him to put them all the way behind his back, he folded
17 his arms behind his back.

18 Q And he remained face down?

19 A Correct.

20 Q All right. So at 15 minutes 20 seconds of
21 your video Wilson is in handcuffs?

22 A Correct.

23 Q Okay. Pick it up at 15:20. Pause at 15:46
24 Now, you asked -- Were you asking Wilson where is your
25 partner?

1 A Yes.

2 Q Okay. And when he says -- speak about your
3 partner, is that because you believe there are two
4 suspects?

5 A Yes.

6 Q Okay. And Mr. Wilson it sounded like
7 muttered some type of response.

8 A Yes. But I --

9 Q You could not understand it?

10 A No.

11 Q Unintelligible?

12 A Correct.

13 Q All right. Pickup at 15:46. All right. So
14 at 15:50 who are you talking to?

15 A Burroughs.

16 Q And where did Mr. Burroughs appear from?

17 A From behind this residence.

18 Q Okay. And did he come out with his hands
19 up?

20 A I believe he did have his hands up.

21 Q Okay. So he was surrendering?

22 A Yes.

23 Q And did he get on the ground when ordered
24 to?

25 A Not initially. I had to tell him a couple

1 of times --

2 Q Okay.

3 A -- to lay down.

4 Q Did he eventually get on the ground?

5 A Yes.

6 Q And you handcuffed him?

7 A Correct.

8 Q Okay. We're going to unpause at 15:51.

9 Now, at 16:17 I just paused it. Did we just hear the
10 sound of you handcuffing Burroughs?

11 A Correct.

12 Q So at 16:17 in the video both of, both
13 Wilson and Burroughs are in handcuffs?

14 A Yes.

15 Q When Burroughs came up, Mr. Wilson remained
16 motionless on the ground; correct?

17 A Correct.

18 Q All right. Unpause at 16:17. Now, that who
19 just responded right around 16, we're at 16:37, you
20 were asking who is that sitting at the top of
21 Catherine that was right behind me, is there one more
22 of y'all, who are you directing that to?

23 A The initial question of who is that sitting
24 behind me, that was on the radio.

25 Q Okay.

1 A No.

2 Q All right. We'll pick up 16:53. All right.
3 Is that patrol car that arrived at 17:26, is that
4 Officer Smith?

5 A Yes.

6 Q Okay. So at this point you've got two
7 suspects in handcuffs and you believe there may be a
8 third suspect?

9 A Yes.

10 Q Both suspects are on the ground?

11 A Yes.

12 Q And the only thing that you've been able to
13 make out Mr. Wilson saying is that he can't breathe?

14 A Correct.

15 Q Okay. Pick it up at 17:26. This person
16 walking across the scene at 17:33, is that Officer
17 Smith?

18 A It is.

19 Q Okay. When you say don't you fucking move,
20 are you talking to Burroughs?

21 A Yes.

22 Q Okay. All right. Right around 18 minutes
23 we saw you go into the patrol car and come back out.
24 What are you doing there?

25 A Grabbed gloves.

1 Q Why did you grab gloves?

2 A Because we were going to have to put his
3 clothes back on for him. I didn't want to touch him
4 with bare hands.

5 Q All right. Pick it up there. All right.
6 So did you just hear Officer Smith say what's wrong
7 with your legs?

8 A Yes.

9 Q Was he speaking to Mr. Wilson?

10 A Yes.

11 Q What was Officer Smith doing at that point?
12 Was he trying to lift Wilson?

13 A I think he's turning him over.

14 Q Okay.

15 A To sit him up.

16 Q Okay. We're just going to go back a little
17 bit to 17:59. Now right after Mr. Smith says what's
18 wrong with his leg you hear Mr. Wilson make a sound.

19 A Yes.

20 Q Unintelligible again?

21 A Correct.

22 Q All right. Pick it up there. All right.
23 So you tell Mr. Wilson that you don't give a fuck
24 right now and that he has to get up; right?

25 A Correct.

1 at this point?

2 A Yes.

3 Q Mr. Wilson is still on the ground?

4 A Correct.

5 Q Okay. Pick up at 18:39 You hear Mr. Wilson
6 say at 18:41 I can't breathe?

7 A Yes. At this point he's sitting up but he's
8 no longer laying on the ground.

9 Q Okay.

10 A I think he's sitting up resting against
11 Officer Smith's leg.

12 Q So who picked him up?

13 A We didn't stand him up. Officer Smith
14 turned him and lifted him up to where he was sitting
15 up but still on the ground.

16 Q Okay. All right. Continuing at 18:42. Is
17 that let's give it a count, is that Burroughs?

18 A That's Burroughs.

19 Q Okay. Continuing 18:46. Now, that was
20 radio traffic about a canine that we heard just now?

21 A Correct.

22 Q And then more inaudible mumbling. Is that
23 Mr. Wilson?

24 A I'm not sure if that was Wilson or
25 Burroughs.

1 Q Okay. So we're at 18:59. Do you know who
2 we just heard speaking right around 19:10?

3 A That's Burroughs.

4 Q Okay. Continuing on. Then 19:20 did we
5 just hear another I can't breathe?

6 A Yes.

7 Q Still haven't called EMS?

8 A Actually, Smith called EMS.

9 Q Already?

10 A Right, right --

11 Q Oh, right now?

12 A Yeah.

13 Q Okay. I'll unpause it at 19:21. When you
14 say he's screaming it there at 19:24, what are you
15 referring to?

16 A I'm not sure.

17 Q Okay. Let's back up a little bit. Go to
18 19:15 see if you can figure out from the context. So
19 did we just hear Smith say he's saying he can't
20 breathe?

21 A Correct.

22 Q And he's saying that over the radio?

23 A Right.

24 Q Okay. So that's the call to dispatch -- or
25 that's the call for EMS?

1 A Yes.

2 Q Okay. All right. Then when you say he's
3 screaming it?

4 A I was talking about Wilson.

5 Q Okay. What do you mean by or what did you
6 mean by he's screaming it?

7 A He was saying I can't breathe loud enough
8 for us to hear him.

9 Q Okay. You said that to dispatch?

10 A No.

11 Q No. Just to, just to Smith?

12 A Yeah.

13 Q Okay. 19:24 going forward. All right. Now
14 we just heard a new -- Was that a new voice?

15 A No. That was also Burroughs. That was
16 Burroughs again.

17 Q Sounded like someone else on the scene
18 talking.

19 A That was Smith. But I don't know who he was
20 talking to.

21 Q Okay. But that was still Smith's voice?

22 A Yeah, that was still Smith.

23 Q Okay. Cadwell is not on the scene yet?

24 A I'm not sure.

25 Q Okay. All right. We're going to pick it up

1 at 19:36. Did we just hear another I can't breathe in
2 there?

3 A I didn't hear that.

4 Q Let me go back to 19:24. Did you hear an I
5 can't breathe?

6 A I did hear another.

7 Q Okay. And at this point Wilson is still
8 seated where he had been previously positioned?

9 A Yes.

10 Q Hasn't moved?

11 A No.

12 Q All right. 19:38. All right. I just
13 paused at 20:06. Someone asked you guys need help.
14 Do you know who that was?

15 A I didn't hear it.

16 Q Okay. Let me do it once more.

17 A Yeah.

18 Q All right. Pause. Does that sound like
19 Cadwell?

20 A Yes.

21 Q And is that his first, first time you've
22 heard his video on this recording or --

23 MR. GRAY: Voice.

24 A Voice, yes.

25 BY MR. FILIPOVITS:

1 A I believed he was breathing.

2 Q Okay. Did you see Wilson's face at this
3 point?

4 A No.

5 Q Okay. Let's pick it up. All right. So at
6 this point at 21:39 have you closed the door to your
7 patrol car with Burroughs inside?

8 A Yes.

9 Q Okay. And the conversation we just heard
10 about spring break and Douglasville not being the
11 place for that shit, that was just you and
12 Burroughs?

13 A Correct.

14 Q Sorry. Picking up at 21:40. We just heard
15 someone say come on dude get up at 22:15. Was that
16 Cadwell?

17 A Yes.

18 Q All right. Picking up at 22:15. Now, at
19 22:26 we just heard the following exchange, what's the
20 matter with you, Mr. Wilson faintly said I can't
21 breathe and Cadwell asked why, because you're in
22 handcuffs.

23 A Yes.

24 Q All right. Picking it up there. Okay. So
25 stop at 22:35. You tell Mr. Wilson that he's going to

1 responding?

2 A I'm not sure if that was Smith's voice or my
3 voice. But they said they need to step it up, because
4 he's not responding step it up by lights and sirens.

5 Q Okay. Okay. That's it for those.

6 MR. SPEARS: Go off the record.

7 (Whereupon, there was a discussion off the
8 record.)

9 BY MR. FILIPOVITS:

10 Q So we're going to play you some of Sergeant
11 Cadwell's dash cam recording. The video is
12 unremarkable, so we aren't going to worry about it.
13 We're just going to talk about the audio.

14 MR. SPEARS: I have it up at 33:18.

15 MR. FILIPOVITS: Fine to start right
16 there.

17 MR. SPEARS: Start?

18 MR. FILIPOVITS: Yep.

19 BY MR. FILIPOVITS:

20 Q Okay. Let's pause real quick. We heard do
21 you guys just need help. Was that Cadwell?

22 A Yes.

23 Q Okay. Continue. Okay. Let's pause for a
24 second. So at this point are you able to discern is
25 Wilson at this point propped up against Smith?

1 A Yes.

2 Q Okay. And was that you that made a
3 reference to EMS? I know the audio skipped.

4 A I'm not sure.

5 Q Let's go back to 33:20.

6 MR. DEMPSEY: Go off for a second.

7 (Whereupon, there was a discussion off the
8 record.)

9 MR. FILIPOVITS: Pause right there.

10 BY MR. FILIPOVITS:

11 Q So Cadwell walks up and says do you guys
12 need help; right?

13 A Correct.

14 Q And then he says dispatch says that and he
15 trails off?

16 A Correct.

17 Q Okay. And maybe there was some reference by
18 you to EMS?

19 A That was Officer Smith.

20 Q That was Smith. Okay. So at the point
21 Cadwell arrives, EMS is on the way?

22 A Correct.

23 Q And then you, we hear your voice at about 3
24 minutes 30 seconds describing where Wilson was
25 laying?